

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Sidney L. Weatherford (Reg. No. 45,602) on 24 September 2009.
3. The application has been amended as follows:

IN THE CLAIMS

Claim 18 is cancelled.

Claim 2 has been amended as follows:

2. (Currently Amended) A method ~~[[for]]~~ of determining the performance of a mobile terminal type within a wireless communications network, the method comprising the steps of:
 - receiving messages transmitted via the communications network associated with user transactions;
 - receiving messages including mobile terminal type information, transmitted via the communications network;
 - deriving, from the received user transaction messages, one or more performance indicators for the user transactions;
 - grouping IP packets belonging to a common application transaction of the mobile terminal type;
 - reconstructing the user transactions from data within the received messages to determine underlying session information; and
 - constructing a performance database having fields that identify the type of mobile terminal and the type of user transaction and corresponding fields that include calculated or estimated performance indicators.

Claim 24 has been amended as follows:

24. (Currently Amended) An apparatus for determining the performance of a mobile terminal type within a wireless communications network comprising:
a first message receiving unit for receiving messages transmitted via the communications network associated with user transactions;
a second message receiving unit for receiving messages associated with mobile terminal type information transmitted via the communications;
a processor associated with a database for grouping IP packets belonging to a common application transaction of the mobile terminal;
the processor reconstructing the user transactions from data within the received messages to determine underlying session information; [[and]]
a correlation unit for correlating one or more performance indicators derived from the user transaction messages with data within the mobile terminal type information messages; and
the processor constructing a performance database having fields that identify the type of mobile terminal and the type of user transaction and corresponding fields that include calculated or estimated performance indicators.

Allowable Subject Matter

4. **Claims 2-17, 19 and 24** (renumbered as **claims 1-18**, respectively) are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

Claims 2-17, 19 and 24 are allowed. The reasons for allowance are clear on the record and in view of Applicant's remarks/amendment filed on June 04, 2009.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ross et al., U.S. Patent Number 7,324,815 discloses remote interaction with a wireless device resident diagnostic interface across a wireless network.

Maclean et al., U.S. Patent Number 7,072,961 discloses data session service initialization for wireless devices.

Moran et al., U.S. Patent Number 6,801,940 discloses application performance monitoring expert.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY S. ADDY whose telephone number is (571)272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Art Unit: 2617

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. S. A./

Examiner, Art Unit 2617

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617